



University of Venda

Office of the Vice Chancellor and Principal

Private Bag x5050, Thohoyandou

0950 South Africa

Tel: (015) 962 8100/8316

Fax: (015) 962 4742

E-mail: vice.chancellor@univen.ac.za

10 May 2021

Hon M.P Mapulane, MP
Chairperson: Portfolio Committee
of Higher Education,
Science and Technology

Dear: Hon Mapulane

**Portfolio Committee on Higher Education, Science & Technology:
Oversight Enquiry into the Appointment of Professor P Mbatl as Vice
Chancellor of Sefako Makgatho University and Related Matters**

STATEMENT: DR NDANDULENI B NTHAMBELENI

1. On 21 April 2021, I received correspondence from the Honourable Mr Mapulane, the Chairperson of the Portfolio Committee on Higher Education, Science & Technology (the **Portfolio Committee**). In terms of this correspondence, I am required to prepare a statement relating to the allegations made against me which the Portfolio Committee views as being of a serious nature. Further, I am required to appear before the Portfolio Committee's Enquiry into the appointment of Professor Peter Mbatl as Vice Chancellor of Sefako Makgatho University and related matters (the **Enquiry**) on 11 May 2021.
2. In the letter dated 21 April 2021, the allegations against me are set out as follows:
 - 2.1 I was one of the members of the University of Venda Council that was close to Prof P Mbatl; and
 - 2.2 I was appointed to occupy an administrative position.

3. On 6 May 2021, I addressed correspondence to Honourable Mapulane in terms of which I pointed out that the allegations as set out above are vague and I am unable to respond thereto.
4. On 7 May 2021, Honourable Mapulane responded to my letter and set out the following as allegations against me:
 - 4.1 *You are a former member of the Univen Council and you were subsequently appointed to occupy the position as the new VC of Univen;*
 - 4.2 *You had a close relationship with Prof Mbatlana, and Prof Mbatlana may have unduly influenced your appointment as the Vice-Chancellor of Univen; and*
 - 4.3 *You were a member of the Council of Univen when the matter of filling the vacancy for the position of VC was discussed and approved.*
5. I have been made aware of the terms of reference in respect of this Enquiry. In summary, the terms of reference relate to:
 - 5.1 *The alleged failure of Univen management to implement sound financial and supply chain management processes and to properly manage the institution, including various infrastructure projects during the period 2008-2018.*

- 5.2 *The alleged improper processing by Univen of a sexual harassment complaint against Prof. Mbatlana by Prof. Phendla, a former employee of Univen. This will expressly not include any deliberations on the merits of the complaint.*
- 5.3 *The alleged fruitless and wasteful expenditure relating to the use of external service providers and legal consultants by Univen.*
- 5.4 *The appointment process of Prof. Mbatlana as the VC of SMU in order to determine whether SMU complied with applicable prescripts in making such appointment.*
6. The allegations which I am now required to respond to are in no way related to the terms of reference for the Enquiry. I cannot foresee how my responses to the allegations will assist the Enquiry in making a determination on the issues set out in the terms of reference as discussed above. Accordingly, it is my view that the Portfolio Committee is now exceeding its powers and proceeding with matters which fall outside its mandate. The allegations I am required to respond to are in my considered view malicious and disconnected in furthering the purpose of this Enquiry.
7. It further appears that the Portfolio Committee now seeks to conduct an enquiry into my appointment as the Vice Chancellor and Principal of the University of Venda. This is apparent from the questions I am required to respond to. Again, this illustrates that the Portfolio Committee is now acting outside of the terms of reference of the Enquiry.
8. The manner in which the Enquiry is now being conducted is that it allows hostile and disgruntled former employees of UNIVEN who are called to give evidence at the Enquiry to make wild allegations, which are

uncorroborated and irrelevant to the terms of reference for the Enquiry, and thereafter the University, either directly or through staff or council members, is required to respond thereto. This cannot be the manner in which an Enquiry of this nature is conducted. The Portfolio Committee bears a legal responsibility to confine itself to its terms of reference, and be seen to be fair, unbiased and consistent in executing its oversight responsibilities.

9. Despite my apprehensions and concerns above, I wish to respond to the allegations which I am able to respond to herein below.

You are a former member of the Univen Council and you were subsequently appointed to occupy the position as the new VC of Univen

10. I confirm that I am a former member of the University of Venda Council and I was subsequently appointed to occupy the position as the new Vice Chancellor and Principal of the University of Venda.
11. On or around 13 April 2018, the vacant post for the position of the Vice Chancellor and Principal of the University of Venda was advertised by an external head-hunting company, the Academic Partners in the Mail and Guardian newspaper. The Academic Partners is the higher education executive search company that had placed over eight (8) Vice Chancellors and Principals, numerous Deputy Vice Chancellors, Deans, Heads of Department, Professors and Associate Professors in most of South Africa's universities and three (3) neighbouring cross-border universities. I applied for this position on or around 19 April 2018 and was subsequently shortlisted, interviewed and selected as the preferred candidate.

12. At the time when I made a decision to apply for the vacant position of VC, I ceased my participation in Council meetings where the matter relating to applications of the vacant position of the Vice Chancellor and Principal would have been discussed due to potential conflict of interest.
13. On 01 January 2019, I commenced my tenure as the Vice Chancellor and Principal of the University of Venda.

You had a close relationship with Prof Mbatl, and Prof Mbatl may have unduly influenced your appointment as the Vice-Chancellor of Univen

14. In my letter to Honourable Mapulane on 6 May 2021, I requested clarification as to what constitutes a close relationship. I have not been provided with this clarification.
15. Although I have not been provided with the requested clarification, I can confirm that during Professor Mbatl's tenure as the Vice Chancellor and Principal of the University of Venda him and I had a cordial yet professional relationship as would be expected between the University Council and its Vice Chancellor. I am not aware of any University policy that prohibits this.
16. Regarding whether Professor Mbatl unduly influenced Council to appoint me into my current position, save to state that this again is a preposterous and vague allegation, I believe that Professor Mbatl and the University of Venda Council are the parties who are best placed to respond to this allegation. I am not aware of how Professor Mbatl could have influenced Council and whether he did. This is even more so given that Professor Mbatl's term as the Vice Chancellor and Principal of the University of

Venda expired on 31 January 2018, more than a year before my appointment. In my view, it would be highly improbable for him to influence Council after his departure. This is unwarranted malicious allegation that continue to cast aspersions on the integrity of the University of Venda Council and its processes.

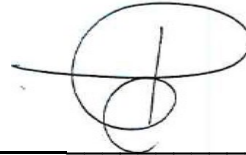
You were a member of the Council of Univen when the matter of filling the vacancy for the position of VC was discussed and approved

17. I confirm that I was a member of Council when the matter relating to filling the role of Vice Chancellor and Principal that would be left vacant by Professor Mbatlana was discussed and approved.

As stated above, once I took a decision to apply for the position, I ceased my participation in Council meetings where the matter relating to applications of the vacant position of the Vice Chancellor and Principal would have been discussed due to potential conflict of interest.

18. I am not aware of any University policy, Statute nor the Higher Education Act prohibiting a Council member from applying for the position of Vice Chancellor and Principal. In this regard, I ensured that I took the necessary steps to exclude myself from any meetings of Council where the process relating to the appointment of the new Vice Chancellor and Principal was to be discussed.
19. I maintain my stance that concerns raised by the University's lawyers were legal points and/or arguments. Accordingly, given that I am not a legal expert, I am not equipped to engage the Portfolio Committee on matters of a legal nature as this will cause prejudice to the University and I.

20. Despite my serious apprehension and concerns about the scope of terms of reference for this Enquiry, I responded to the best of my knowledge to your invitation letter and would not be able to respond to any question outside the invitation letter.
21. I hereby confirm my attendance at the Enquiry on 11 May 2021.



DR NDANDULENI B NTHAMBELENI

Date: 10 May 2021